IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

AND
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 2143 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/12/2004 in WP NO : 23099 OF 2004 on the file of the High Court.)

Between:

Sanaga Balakrishnaiah, S/o. Thirumalaiah,
M.P.T.C. Member, Muthyalampadu, Chillakur Mandal, Nellore District.

..... APPELLANT

AND

1 State Election Commission, Andhra Pradesh, Hyderabad.
2 District Collector and District Election Authority, Nellore, Nellore District.
3 District Panchayat Officer and Additional District Election Authority, Nellore,

Nellore District.

.....RESPONDENTS

Counsel for the Appellant:MR.P.KRISHNA REDDY

Counsel for the Respondent No.1: MR.K.G.K.PRASAD

Counsel for the Respondent Nos.2 and 3: G.P. FOR PANCHAYAT RAJ AND RURAL DEVELOPMENT

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

Appellant is an elector of a Gram Panchayat and prayed for a direction against respondents to conduct bye-election to the Office of casual vacancy of Sarpanch of Muthyalampadu Gram Panchayat, Chilakur Mandal, Nellore District under the revised Electoral Rolls.

Appellant-petitioner's writ petition was dismissed by the learned single judge on the ground that petition under Section 11 of the A.P. Panchayat Raj Act, 1994 cannot be equated with the one under the Representation of People Act. The revision of electoral rolls under the Panchayat Raj Act on the one hand and the Representation of People Act on the other, differ substantially from each other. Section 11 of the A.P. Panchayat Raj Act which provides for publication of a draft electoral roll, has been amended by omitting the word 'draft' and now the amended Act provides for publication of only one list and the same has to be accomplished on 10.11.2004. As per the affidavit filed by the 3rd respondent, Electoral Rolls of the Gram Panchayat were prepared taking 01-01-2004 as the qualifying date and the same was published on 10.11.2004 as per Notification of the State Election Commission dated 29.10.2004.

In that view of the matter, there is hardly any ground to interfere with the order of the learned single judge and more over the Election programme having been issued on 12.12.2004, on which date the writ petition was filed, there cannot be any

interdiction by the Courts in the election process. The date of poll is also fixed for tomorrow, i.e., 28-12-2004 at 7.00 a.m.

The writ appeal is accordingly dismissed. No costs.

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DEVINDER GUPTA, CJ

Date: 27th December, 2004

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B. SESHASAYANA REDDY,J

pnb

To

1 The State Election Commission, Andhra Pradesh, Hyderabad.
2 The District Collector and District Election Authority, Nellore, Nellore District.
3 The District Panchayat Officer and Additional District Election Authority,

Nellore, Nellore District.

4. Two CCs to G.P. for Panchayat Raj and Rural Development, A.P.High Court

Buildings, Hyderabad (OUT).

5. Two CD copies.